

LEGISLATIVE JUDICIARY

Exhibit No. 5Date 3-15-07Bill No. HB 361

Dean K. Knapton  
-Attorney at Law-

2302 Hwy. 2 E. #4  
Kalispell, MT 59901  
(406) 755-8228  
FAX (406) 755-8238

March 12, 2007

Sen. Jerry O'Neill  
FAX (406) 444-4875

RE: Legislation- Double proxy weddings

Dear Sen. O'Neill:

I would like to supplement my input, and respond to the communication from Peg Allison.

First, there are only two web sites known to us regarding MT proxy weddings; I have worked with S & B, Inc., Sam and Barbara Geller whose site is www.marriagebyproxy.com, and whose letter you have.

I have asked judges to perform ceremonies on an after-hours basis, as they regularly do for non-proxy weddings. I would assume the time involved for the clerks is commensurate with the license fee; if not, it should be raised.

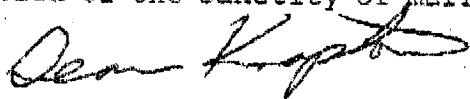
I believe it no more difficult to monitor validity than a regular marriage- I recall years ago a Justice Court performing a ceremony for a father and his daughter-obviously someone had lied on the application. I do appreciate the Flathead County Clerk doing what the statute authorizes, and cannot account as to why other Clerks do not, as she reports. Many states do not require residency as a condition to being married there. There is no way to guaranty sincerity of a bride and groom, whether they sign a notarized statement that they wish to be married, or appear in person and take their vows.

EXAMPLE: I was involved in the wedding she describes. The soldier was wounded in battle by a sniper, and comatose. His distraught father did have a durable power of attorney (I have a copy, but am not submitting due to privacy concerns) which was submitted with the Marriage Application, and discussed informally with a District Court Judge prior to the marriage. The father offered witnesses and his own testimony, that the soldier wished to be married to his pregnant fiancé, who could not travel due to pregnancy complications. Tragically, the father also died recently. It was simply the right thing to do for the family of a man who put himself in harm's way, and, after the wedding, died for his country. We charged nothing, even bearing the costs ourselves as our donation to a sad situation; nor has this case been used in any advertising. The father was very grateful that Montana could do

for him and his son and grandchild, what no other state could do for him.

EXAMPLE: I am surprised to learn the Clerk described the wedding as the first in Flathead County. I spoke to Peg Allison as the groom's parents were clients of mine; Peg told me double proxy weddings were authorized, and my recollection was I was told others had preceded. Both bride, groom, and groom's parents still live in Flathead County, I remain their attorney, and they never advised of a remarriage in Italy. The Hague Convention signatories require recognition of marriage authorized by laws of a State.

The amendments to the statute confirm a valuable service to our armed forces. We do ask you consider broadening the statute to allow everyone, regardless where situated, to join in Montana's confirmation of the sanctity of marriage between a man and a woman.



# Happy couple both no-show wedding

## Deployed troops make use of double-proxy ceremony

By Leo Saine III

Saei and Saei

WASHINGTON — First Lt. Derek Ping couldn't wait to marry his fiancée. So he got hitched from 7,000 miles away, without even saying "I do."

"When she told me we could get married without either of us being there, I thought it was pretty weird," the 25-year-old soldier admitted. "Now that we did it — well, it's still weird, but I'm glad we did it."

The couple's double-proxy marriage — a legal ceremony requiring neither party to be present — is among about 30 weddings organized by S&S Inc. nearly all military.

While several states allow a stand-in to say the vows for one spouse, the completely absentee nuptials are an option only in Montana; the union is recognized by all 50 states and the U.S. military.

The Pings, who live in Waco, Texas, had to fill out several identification forms and submit notarized statements of their sworn love before they received a marriage certificate in the mail. But for the couple, it was the only way to tie the knot while he was deployed in Iraq.

After several soldiers in his unit were killed last November,

Lt. Ping of the 1st Cavalry Division at Fort Hood, worried about his 22-year-old fiancée's future if he were injured or killed before they were married. The pair had been planning a traditional ceremony for months before his deployment in April 2003.

"If you're not married, it's a lot harder to get on posts and it's harder to get help," Jamie Ping said. "There are support groups if you're married. This just made him more comfortable, in case anything were to happen."

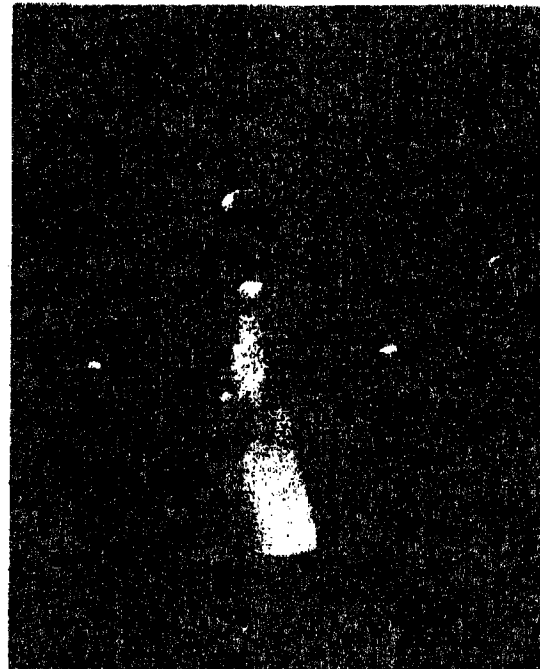
S&S Inc. owners Sam and Barbara Geller said they're exactly the scenario they were thinking about when they launched their business in early 2004.

"We see a number of cases where a woman is pregnant or has a small child," he said. "You want them to have access to the full military benefits."

Most of their clients had their dream weddings pushed back because of military deployment, and are anxious for the legal recognition even if the traditional walk down the aisle is still months away.

"We helped one couple where the groom was on the USS Kitty Hawk, and the bride was stationed in Singapore," Sam Geller said.

Barbara Geller said they en-



Courtesy of S&amp;S Inc.

First Lt. Derek Ping and wife Jamie kiss outside of a chapel at West Point following their religious wedding ceremony April 9. They received their civil marriage certificate five months earlier. Works in a Montana law that allows couples to be married without appearing in person.

courage all clients still to have a religious ceremony just to give family and friends a chance to celebrate with the newlyweds.

For the Pings, that service was held at West Point on April 9, about a month after Derek's tour in Iraq ended. Jamie said while the legal divorce was a relief, the religious ceremony was their real wedding.

Barbara Geller said she was inspired to start the business after learning about Montana's law, and remembering couples who had their weddings delayed by deployment to Korea.

The process usually takes about three months and costs \$500. Sam Geller said couples do have to prove their identity and personally sign all the forms, but described the process as fairly simple.

"The first question everyone asks is, 'Is this legal?'" he said, laughing. "This isn't something a lot of people know about. But it is wonderful."

For more information, go to [www.marriagebyproxy.com](http://www.marriagebyproxy.com). E-mail Leo Saine at [leo@marriagebyproxy.com](mailto:leo@marriagebyproxy.com).

Please Continue to Browse Our Site

## **VOTE NO TO CHANGING THE MONTANA MARRIAGE CODE**

The Double Proxy Marriage Law of Montana goes back to the 1860's when Montana was still a territory. It recognized then as it does now that there are difficult situations where people are unable to get married in the traditional way.

Montana has led the way by allowing our brave men and women serving in the Armed Forces to get legally married by double proxy.

Montana also enables deserving people from all over the world who are victims of oppression, prejudice, and religious discrimination to obtain a legal civil marriage certificate which is denied to them in their countries.

The global image of America has been greatly tarnished. Montana's double proxy law serves as a beacon of hope for foreign residents who live under political and religious oppression.

While the War on Terrorism has destroyed so many lives and has torn families apart, Montana's compassionate marriage code with its No Residency Requirement truly shows our belief in both the freedom and sanctity of marriage.

Sam and Barbara Geller

## E-wedding in Montana unites couple thousands of miles away

By GAIL SCHONTZLER, Chronicle Staff Writer

They met over the Internet and they married over the Internet.

Francie Mercado, 25, wearing a white lace wedding gown at the University of Florida, and Jason Druding, 26, wearing Marine desert camouflage fatigues at a base in Djibouti, Africa, got married Thursday in a ceremony held thousands of miles away at Montana State University.

Although they were eight time zones and two continents apart, the jovial groom and smiling, tearful bride were able to see and hear each other's vows, thanks to a video-conference signal carried over the Internet.

"We decided to take the plunge, as it were. Get it done," Lance Cpl. Druding said from Djibouti, while waiting for the marriage license to show up in Bozeman. "I'm pretty nervous right now."

Some states allow weddings by proxy, in which one party isn't physically present, but is represented by someone who stands in their place.

Montana is the only state that allows a double proxy wedding, according to Marie Connolly, coordinator of the State Bar of Montana's Lawyer Referral Service.

Witnesses gathered at MSU's Burns Telecommunications Center, in a room usually used to hold classes or conferences via video.

"Francie, you look beautiful, baby," Jason said, his voice delayed a few seconds because of the distance.

"Do I look pregnant?" Francie asked him.

"Stand sideways, baby," Jason teased her.

The bulge in the wedding dress left no doubt that the couple had been in the same neighborhood sometime in the past.

Gallatin County Justice of the Peace Gordon Smith conducted the ceremony, while Bozeman attorneys Buzz Tarlow and Kirsten Core acted as proxies for the couple.

After Jason and Francie vowed to love, honor and cherish, for better or worse, until death did them part, the judge asked the attorneys to exchange rings on behalf of the absent couple.

The attorneys hugged and laughed in lieu of a kiss.

"When my wife hears about this ..., " Tarlow joked. "Don't put our pictures on the wedding page, please."

On the split video screen in Bozeman, witnesses saw the Marines gathered with Jason and the relatives gathered around Francie break into applause.

She wiped away a tear. Jason asked his chaplain for a prayer, and afterward broke out cigars and shook hands all around.

Double proxy marriages could be risky, if couples ended up with licenses questioned by other states or by immigration authorities who suspect fraud, the attorneys said.

But Smith said he has no concerns about the legality of this marriage. In fact, he said, a video wedding seems better than most single proxy ceremonies. Both bride and groom were present, even if at long distance, and spoke for themselves.

Jason said he and Francie met last spring after he posted a personal ad on the Internet, an idea he blamed on his brother.

They met and, he said, "We've been together ever since."

They tried to get married at Camp Lejeune, N.C., but it didn't work out, he said.

After he went overseas, Francie contacted Freedom Calls Foundation, a nonprofit group that helps U.S. troops in Iraq and Afghanistan keep in touch with their families by video for free.

Gail Schontzler is at [gails@dailychronicle.com](mailto:gails@dailychronicle.com)